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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

XAW-0101C

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on 1/13/2006

Signature

Typed or printed name

LAURA P. HANSEN

Application Number

10/011022

Filed

11/13/2001

First Named Inventor

VAN DERSLUIS

Art Unit

2134

Examiner

JUNG, DAVID

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)☒ attorney or agent of record.  
Registration number 38170☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

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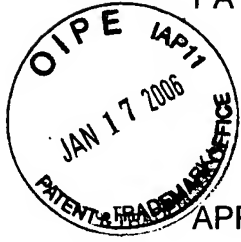
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Vandersluis

EXAMINER: Jung, David Yiuk

SERIAL NO.: 10/011022

GROUP: 2134

FILED: November 13, 2001

CASE NO.: XAW-0101C

ENTITLED: Dynamic, Hierarchical Data Exchange System

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Law Offices of Dale B. Halling  
655 Southpointe, Suite 100  
Colorado Springs, CO 80906  
January 13, 2006

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Remarks

Status of the Claims

Claims 16-38 are at issue. Claims 16-38 stand rejected under 35 USC 103(a) ?? as being unpatentable over [www.xmlfiles.com/dom/dom](http://www.xmlfiles.com/dom/dom) and US Patent 6,898,761. The Examiner's basis for the rejection is not clear, but seems to boil down to the idea that the applicant is patenting XML (See page 3, part 4 of the Office Action dated 11/16/05). Previously the claims were rejected based on [www.heise.de/ix/artikel/E/1997/06/106](http://www.heise.de/ix/artikel/E/1997/06/106) (Herein after "Marcherius") and [hyper.sunjapan.com/cn/~hz/win32/styles3](http://hyper.sunjapan.com/cn/~hz/win32/styles3) (herein after "Windows"). A rejection dated November 16, 2005 has been received by the applicant.

## Clear Issues for Review

I. The Prior Art does not show or suggest every element in claims 16, 17 29 and 34.

Claim 16 requires a “**user-defined document definition file**”. None of the prior art references show a user-defined document definition file. According to the specification, a document definition file must specify the content, source and method of generation of the data. In addition, claim 16 requires replacing a reference with an actual value.

The Examiner in the latest Office Action (November 16, 2005) seems to imply that there is no difference between a Document Definition File (DDF of the present application) and a DTD (Document Type Definition) of XML. However, FIG. 16 shows the structure of a Document Definition File. At page 9 of the specification or Col. 7, lines 24-27 (USPN US 6,356,920 B1 – the parent case of the present application) it states “Formally, a DDF is defined as a list of elements, where each element is defined as consisting of the following components” (type, value, attribute list, style and children). MPEP section 2173.05(a) states “New terms are often used when a new technology is in its infancy or is rapidly evolving. The requirements for clarity and precision must be balanced with limitations of the language and the science”. The present application reasonably apprises those skilled in the art how to make the invention and the scope of the invention. *Shatterproof Glass Corp. v. Libbey Ownes Ford Co.*, 785 F.2d 613, 225 USPQ 634 (Fed. Cir. 1985).

Note that a DTD (Document Type Definition) of XML is defined as “a formal set of grammar which defines a certain XML language”. There is no mention in the definition of a DDF of grammar, and there is no mention in the definition of a DTD of a list of elements each having the components of type,

value, attribute list, style and children. Clearly, a DTD is not DDF and all the claims are allowable.

The Examiner has not even attempted to show either a DDF or replacing a reference with an actual value as required by the claims. Claim 16 is clearly allowable over the prior art.

Claim 17 requires a **document definition file**. Note that DTD (Document Type Definition) is not a document definition file. A document definition file is a template for extracting information from a server or group of servers (See discussion starting on Page 9 of specification entitled "Document Definition File). A DTD is a formal set of grammar which defines the XML (See Marcherius, page 3, "DTD:Layout Language). Claim 17 is allowable over the prior art.

Claim 29 requires a hierarchical data server, a server and a client. The article by Marcherius does not show a client, server and hierarchical data server. In fact Marcherius is merely explaining the structure of XML and does not discuss servers and clients. In addition, claim 20 requires a document definition file (as required by the claim) which is not a DTD (Document Type Definition). A document definition file is a template for extracting information from a server or group of servers (See discussion starting on Page 9 of specification entitled "Document Definition File). A DTD is a formal set of grammar which defines the XML (See Marcherius, page 3, "DTD:Layout Language). A document definition file is not shown in either of the references cited by the Examiner.

A hierarchical data server, a server and a client are not inherent to XML. Claim 29 is allowable over the prior art.

Claim 34 requires receiving a request from a client and executing a document definition file. Note that a DTD (Document Type Definition) is not a document definition file (DDF as required by the claims). A document definition file (DDF) is a template for extracting information from a server or group of servers (See discussion starting on Page 9 of specification entitled "Document

Definition File). A DTD is a formal set of grammar which defines the XML (See Marcherius, page 3, "DTD:Layout Language). A document definition file is not shown in either of the references cited by the Examiner. Claim 34 is allowable over the prior art.

II. The rejection of claims 18028,30-33 & 35-38 amount to Official Notice.

The applicant has consistently traversed these rejections and demanded that the Examiner find a reference that shows these elements.

Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

(Vandersluis)

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